

DAVID MILLS ARBOGAST SBN: 167571
 SPIRO MOSS BARNES, LLP.
 11377 W. OLYMPIC BLVD., FIFTH FL.
 LOS ANGELES, CA 90064
 (310) 235-2468

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

AMPARAN

Plaintiff(s)

v.

PLAZA HOME MORTGAGE

Defendant(s)

CASE NUMBER:
 C0704498

PROOF OF SERVICE
 SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☐ summons ☐ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☒ other (specify): SEE ATTACHED

2. Person served:

- a. ☒ Defendant (name): PLAZA HOME MORTGAGE, INC.
 b. ☒ Other (specify name and title or relationship to the party/business named):
 JAMES CUTRI, AGENT BY LEAVING WITH - ANDY KLEIN, LOAN OFFICER
 c. ☒ Address where the papers were served: 5090 SHOREHAM PLACE
 SAN DIEGO, CA 92122

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☐ Federal Rules of Civil Procedure
 b. ☒ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☐ By **Personal Service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. ☐ Papers were served on (date): at (time):
 b. ☒ By **Substituted Service**. By leaving copies:
 1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☒ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☒ Papers were served on (date): 10/18/2007 at (time): 12:10 pm
 4. ☒ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☒ papers were mailed on (date): 10/22/2007
 6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☒ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service.**)
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served.**)
- h. ☐ **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): at (time):
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served.**)
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served.**)
6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):



Kenneth Robert Maskil, Jr.
Janney & Janney Attorney Service, Inc.
 4891 Pacific Highway, Ste. 102
 San Diego, CA 92110
 (213) 628-6338

a. Fee for service: \$ **70.00**

- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server
 Registration # :**1097**

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: **October 23, 2007**

Kenneth Robert Maskil, Jr.
 Type or Print Server's Name

(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTORNEY OR PARTY WITH AN ATTORNEY (Name, State and Number, and address)

DAVID MILLS ARBOGAST

SPIRO MOSS BARNES, LLP.

11377 W. OLYMPIC BLVD., FIFTH FL. LOS ANGELES, CA 90064

TELEPHONE NO.: (310) 235-2468

FAX NO.: (310) 235-2456

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

SBN: 167571

FOR COURT USE ONLY

USDC - NORTHERN DISTRICT - SAN JOSE

STREET ADDRESS: 280 S. FIRST STREET, #2112

MAILING ADDRESS:

CITY AND ZIP CODE: SAN JOSE, CA 95113-3008

BRANCH NAME: NORTHERN DISTRICT - SAN JOSE

PLAINTIFF/PETITIONER: AMPARAN

DEFENDANT/RESPONDENT: PLAZA HOME MORTGAGE

PROOF OF SERVICE BY MAIL

CASE NUMBER:

C0704498

I am a citizen of the United States and employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1545 Wilshire Blvd., Los Angeles, CA 90017.

On October 22, 2007, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

SEE ATTACHED

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, California, addressed as follows:

PLAZA HOME MORTGAGE, INC.
5090 SHOREHAM PLACE
SAN DIEGO, CA 92122

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, California in the ordinary course of business.

Fee for Service:



Janney and Janney Attorney
Service, Inc.
1545 Wilshire Blvd.
Los Angeles, CA 90017
(213) 628-6338

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **October 23, 2007**.

Signature:

SUSIE MADRIGAL**PROOF OF SERVICE BY MAIL**

Order#: 1267613/GProof5

First Amended Complaint
Summons in a Civil Case
Civil Cover Sheet
Certification of Interested Entities or Persons
Welcome to the U.S. District Court, San Jose
Notice of Assignment of Case to a U.S. Magistrate Judge
Standing Order for... Magistrate Judge Patricia V. Trumbull
General Order No. 40
General Order No. 45
General Order No. 53
Standing Order Regarding Case Management in Civil Cases
Contents of Joint Case Management Statement
Notice of Electronic Availability of Case File Information
ECF Registration Information Handout
Notice of Lawsuit and Request for Waiver of Summons
Order of the Chief Judge
Consent/Declination to Proceed Before a United States Magistrate Judge
Instructions for Completion of ADR Forms Regarding Selection of an ADR Process